

FILED
U.S. DISTRICT COURT
WESTERN DISTRICT OF MASSACHUSETTS

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WESTERN DISTRICT OF MASSACHUSETTS

**UNITED STATES DISTRICT COURT
Western District of Massachusetts**

KEITH BRIAN ASKINS

Plaintiff

V.

WILLIAM C. WERNICKI TRUCKING

Defendant

Civil Action No.: 04-30178-KPN

DEFENDANT WILLIAM C. WERNICKI
TRUCKING'S MOTION FOR
SANCTIONS PURSUANT TO RULE
37(b)

The defendant William C. Wernicki Trucking pursuant to Rule 37(b) of the Federal Rules of Civil Procedure files this Motion for Sanctions and respectfully shows:

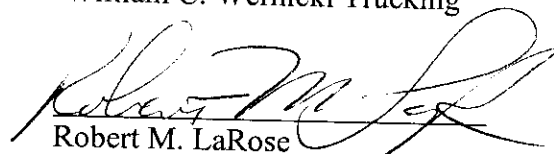
1. The defendant, on or about April 21, 2005, filed a Motion to Compel Answers to Interrogatories and the Production of Documents along with a supporting memoranda pursuant to Rule 37(a) of the Federal Rules of Civil Procedure in this case. The plaintiff, Keith Brian Askins had failed to answer interrogatories and to produce requested documents. The Court, per Judge Kenneth P. Neiman, granted the defendant's Motion to Compel Answers to Interrogatories and the Production of Documents on May 11, 2005. Judge Neiman ordered that the plaintiff was to answer and produce documents to the defendant no later than May 18, 2005. The plaintiff has never answered the interrogatories and has never produced the documents pursuant to the

Court's order. The plaintiff's failure to obey the Court's order to provide the discovery has prejudiced the defendant in that the defendant has obtained no further information or documents regarding the plaintiff's claims other than the complaint in this case.

WHEREFORE, the defendant moves that this Court:

1. Order that the plaintiff's action be dismissed for failure to obey the Court's order entered on May 11, 2005.

ATTORNEY FOR THE DEFENDANT,
William C. Wernicki Trucking

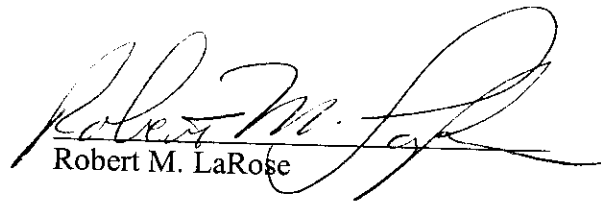


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CERTIFICATE OF SERVICE

I, Robert M. LaRose, Esq., do hereby certify that a copy of this Motion for Sanctions has been sent to the following counsel of record via first class mail on May 25, 2005, as follows:

Barry E. O'Connor, Esq
293 Bridge Street, Suite 326
Springfield, MA 1103


Robert M. LaRose